

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY GONZALEZ,

Plaintiff,
v.

Case No. 24-cv-217-pp

DEPUTY BROOKE WREEN, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S REQUEST TO DISMISS COMPLAINT
(DKT. NO. 28) AND DISMISSING CASE WITHOUT PREJUDICE
UNDER FED. R. CIV. P. 41(a)(2)**

Plaintiff Anthony Gonzalez is proceeding on Fourteenth Amendment claims against jail and medical officials at the Door County Jail. Dkt. No. 9. On August 9, 2024, the court received a letter from the plaintiff in which he “respectfull[y] moves the court to dismiss his complaint without prejudice, because he now believes that he did not fully exhaust his administrative remedies pursuant to the Prison Litigation Reform Act.” Dkt. No. 28.

Under Federal Rule of Civil Procedure 41, the plaintiff may voluntarily dismiss a case with or without a court order, depending on the circumstances and the posture of the case when he requests dismissal. Fed. R. Civ. P. 41(a). Because the defendants have answered the complaint and have not stipulated to dismissal, the plaintiff needs a court order to dismiss this lawsuit. Fed. R. Civ. P. 41(a)(1)(A). In these circumstances, Rule 41(a)(2) governs; that Rule states that “an action may be dismissed at the plaintiff's request only by court

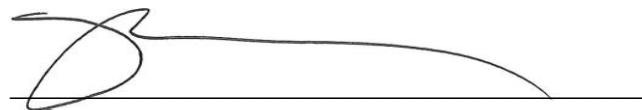
order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The rule also states that this dismissal is without prejudice. Id.

The court **FINDS** that dismissal without prejudice is proper and will grant the plaintiff’s request to dismiss this lawsuit. Dkt. No. 28.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 20th day of August, 2024.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge